



DOCKET NO.: 217049US2

#16 1A

6-19-03

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

YOSHINORI HAYASHI

: EXAMINER: ALLEN, D. S.

SERIAL NO: 10/028,698

:

FILED: DECEMBER 28, 2001

: GROUP ART UNIT: 2872

FOR: OPTICAL SCANNING DEVICE  
DECREASING AMOUNT OF  
CHANGE IN RELATIVE  
SCANNING POSITION

RECEIVED  
JUN -3 2003  
TECHNOLOGY CENTER 2800

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement in the Official Action mailed May 2, 2003, Applicant elects Group II, Claims 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28 and 30 for further examination on the merits in the present application.

Applicant respectfully traverse the Restriction requirement for the following reason.

MPEP § 803 states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicant respectfully traverse the outstanding Restriction

requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, an action on the merits is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423



22850

Tel.: (703) 413-3000  
Fax: (703) 413-2220  
GJM/SS/KLL/dnf



Docket No.: 217049US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/028,698

Applicants: Yoshinori HAYASHI

Filing Date: December 28, 2001

For: OPTICAL SCANNING DEVICE DECREASING  
AMOUNT OF CHANGE IN RELATIVE SCANNING  
POSITION

Group Art Unit: 2872

Examiner: ALLEN, D. S.

SIR:

Attached hereto for filing are the following papers:

#### RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier  
Registration No. 25,599



22850

(703) 413-3000 (phone)  
(703) 413-2220 (fax)  
1:ATTYKLL217049US217049 PTO CVR LTR.DOC

Surinder Sachar  
Registration No. 34,423

RECEIVED  
JUN -3 2003  
TECHNOLOGY CENTER 2800